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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,625	09/10/2003	Gerald L. Larson	D5395	5577

30410 7590 03/08/2005

INTERNATIONAL TRUCK INTELLECTUAL PROPERTY COMPANY,  
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P.O. BOX 1488  
WARRENVILLE, IL 60555

EXAMINER
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NGUYEN, TAN QUANG

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 03/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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10/659,625

EXAMINER

ART UNIT

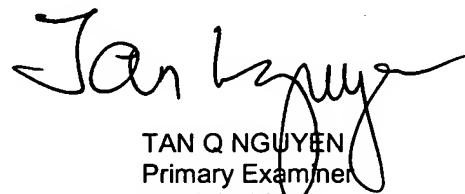
PAPER

20050303

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

  
TAN Q NGUYEN  
Primary Examiner  
Art Unit: 3661

<b>Office Action Summary</b>	<b>Application No.</b> 10/659,625	<b>Applicant(s)</b> LARSON ET AL.	
	<b>Examiner</b> TAN Q NGUYEN	<b>Art Unit</b> 3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-18 is/are allowed.
- 6) ☒ Claim(s) 1-3, 8, 13 and 19-21 is/are rejected.
- 7) ☒ Claim(s) 4-7, 9-12, 14, 22 and 23 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>01/28/05</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAIL ACTION**

### ***Notice to Applicant(s)***

1. This application has been examined. Claims 1-23 are pending.
2. The prior art submitted on January 28, 2005 has been considered.
3. Claims 12, 14 and 19 are objected to because of the following informalities:
  - a. As per claim 12, line 2, the phrase "an hydraulic" should be --a hydraulic--.
  - b. As per claim 14, it should depend on claim 8 instead of claim 4 since claim 8 refers to a system.
  - c. As per claim 19, the phrase "power take off system power take off system" should be --power take off system--.
  - d. Corrections are required.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 1-3, 8, 13 and 19-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Kelwaski (6,272,402).

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6. As per claim 1, Kelwaski discloses a motor vehicle which includes a vehicle system power source (see figure 2, item 45), a controller area network (figure 2, item 73), a modular power unit includes a signal decoding means for generating switching signal in response to the control signals and power application switches responsive to the switching signals for controlling selective translation of power from the vehicle system power source to a load (see at least figure 2, item 30 and the related text).

Kelwaski further includes at least a vocational controller and a modular power take off manager having an operator interface for transmitting control signals fro the modular power unit over the controller area network (see figures 1-3 and the related text).

7. As per claim 2, Kelwaski further discloses a vehicle system controller being programmed to execute a load management program using the load data from the modular power unit as input data (see at least figure 2 and the related text).

8. As per claim 3, Kelwaski also discloses that the system includes an engine controller for communication over the controller area network (see figure 1, item 20).

9. As per claims 8 and 19-21, the limitations of these claims have been noted in the rejections above. They are therefore considered rejected as set forth above.

10. As per claim 13, Kelwaski further discloses that the system includes a hydraulic pump (see at least the abstract).

11. Claims 4-7, 9-12, 14, 22 and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. None of the prior art of record disclose the load management program providing for load shedding when output

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demand exceeds predetermined limits as recited in claim 4. Further, the limitation "the vehicle power system being a direct current storage, generation and distribution system; the power switching system being coupled to the vehicle direct current storage, generation and distribution system for energization, and further including a derectifier, a step up transformer and an alternating current power outlet, all under the control of the control element" as in claim 9 render the claims unobvious over the prior art of record. Also, none of the prior art of record disclose the power source is a direct current electrical system and a power conversion device is provided by an electrical inverter as recited in claim 22.

12. Claims 15-18 are allowable.

### ***Conclusion***

13. Claims 1-3, 8, 13 and 19-21 are rejected. Claims 4-7, 9-12, 14, 22 and 23 are objected. Claims 15-18 are allowable.

14. The following references are cited as being of general interest: Barrett (5,627,438), Kiuchi et al. (5,751,137), and Imanishi et al. (6,349,252).

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Tan Q. Nguyen, whose telephone number is (703) 305-9755. The examiner can normally be reached on Monday-Thursday from 5:30 AM-4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black, can be reached on (703) 305-8233.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

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or faxed to the Official Fax Center:

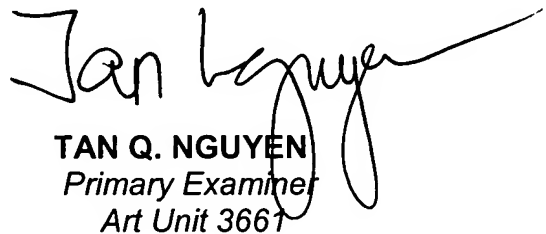
(703) 872-9306, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park V, 2451 Crystal Drive, Arlington, VA., Seventh Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/tqn  
March 4, 2005

  
**TAN Q. NGUYEN**  
Primary Examiner  
Art Unit 3661